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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,881	11/02/2000	Richard L. Watkins	4022.000007	~ 4644

7590

08/29/2003

Harness Dickey & Pierce PLC
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EXAMINER

MIGGINS, MICHAEL C

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/704,881	WATKINS, RICHARD L.	
	Examiner	Art Unit	
	Michael C. Miggins	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

WITHDRAWN REJECTIONS

1. There are no withdrawn rejections.

REJECTIONS REPEATED

2. The 35 USC 102(b) rejection of claims 1 and 5-8 as being anticipated by Welhart et al. is repeated for the reasons of record in paper #10, pages 2-3, paragraphs 4-5. The 35 USC 103(a) rejection of claims 4 and 9-29 as being unpatentable over Welhart et al. in view of Blonk et al. is repeated for the reasons of record in paper #10, pages 3-6, paragraphs 6-7. The 35 USC 103(a) rejection of claim 3 as being unpatentable over Welhart et al. in view of Wang et al. is repeated for the reasons of record in paper #10, pages 6-7, paragraph 8.

NEW REJECTIONS

3. There are no new rejections.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments filed 7/9/03 have been fully considered but they are not persuasive.

Applicant has argued that the cited prior art of record does not teach applicant's claimed method having at least two steps, a first step of forming a laminate and a second step of annealing the laminate. Applicant has argued that the Welhart patent

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teaches a method in which, in a single step, cast sheets of poly (methyl methacrylate) and polycarbonate are formed into a laminate with heat and pressure and that the Welhart patent does not teach or disclose a second step in which the laminate is then annealed according to the instant invention. This argument is not found persuasive. Welhart teaches a first step of forming a laminate (column 4, lines 53-75 and columns 7-8). The sheets 6, 4 and 8, which are initially separated, are brought in contact with one another under vacuum and a pressure of 1000 p.s.i thus forming a laminate after which, the heat is applied between 200 and 400 degrees F (column 4, lines 53-75). Furthermore, Welhart specifically states that a layer of Plexiglass II was first bonded to the polycarbonate (column 8, lines 1-5). Therefore, Welhart teaches a method having at least two steps, a first step of forming a laminate and a second step of annealing the laminate as claimed by applicant.

Applicant has argued that the combination of Welhart and Blonk is improper because Blonk destroys the intent, purpose, or function of the reference. Applicant argues specifically that Welhart discloses a process for making aircraft windows and canopies. While Welhart does disclose that his laminates can be used for aircraft windows and canopies, Welhart is also concerned with providing a laminate which possesses high strength and shatter resistant. The laminates taught in Blonk fulfill these requirements, especially in light of the fact that the laminates of Blonk are flexible, and further provides laminates which can be used as bladders which are elastic and have very low gas transmission rates. Therefore one of ordinary skill in the art would have been motivated to combine Welhart and Blond in order to provide laminates which

can be used as bladders which are elastic and have very low gas transmission rates. Furthermore, applicant's method steps of providing a laminate and then annealing are taught by Welhart as discussed above so the combination provides all of applicant's limitations as claimed.

In response to applicant's argument that the combination of Welhart and Blonk is improper because Blonk destroys the intent, purpose, or function of the reference, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the Welhart and Wang references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine comes from the Wang reference in that the materials used in Wang provide laminates with a high strength thermoplastic polymer and improved mechanical properties.

Applicant has argued that the combination of Welhart and Wang is improper because substitution of the Wang materials is inappropriate to the purposes and objectives of the Welhart patent. Applicant argues specifically that Welhart discloses a process for making aircraft windows and canopies. While Welhart does disclose that his laminates can be used for aircraft windows and canopies, Welhart is also concerned with providing a laminate which possesses high strength and shatter resistant. The laminates taught in Wang fulfill these requirements, especially in light of the fact that the laminates of Wang comprise high strength thermoplastic polymers which are light weight. Furthermore, applicant's method steps of providing a laminate and then annealing are taught by Welhart as discussed above so the combination provides all of applicant's limitations as claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (703) 305-0915. The examiner can normally be reached on Monday-Friday; 1:30-10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

MCM *lcl*
August 25, 2003

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/27/03